

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, ROOM AC 255/259
THURSDAY, SEPTEMBER 17, 2009, 3:00 P.M.**

CALL TO ORDER

Bill Mitchell, Chairperson, called the meeting to order at 3:00 p.m.

Commission

Members Present:	Pat Haukohl	Bob Peregrine	Jim Siepmann	
	Gary Goodchild	Walter Kolb	Bill Mitchell	Bonnie Morris

Commission

Members Absent: None

Staff

Members Present: Sandy Scherer, Senior Planner
Elfriede Sprague, Clerk III
Peggy Tilley, Senior Land Use Specialist

Guests Present:

David Faretta:	SCS-1100 & SCS-1100A, Petitioner
Marty Boulanger:	G09:076, Rezach (Agent)
Phillip Kokar:	G09:076, Rezach (P.O.A.)
Mark Werner:	SCU-1512 & PO-09-MRTT-1, Petitioner
Tom Bernklau:	SCS-1055, Jaworski (Agent)
Brian Hagmayer:	SCU-1510, Petitioner
Ron Barz:	SCU-1510, Hagmeyer (Builder)
Romny Barenz:	SCU-1510, Hagmeyer (Barenz Builders)
Chris Miracle:	SCU-1510, Hagmeyer (Landscape Architect)
John Graettinger:	SCU-1510, Hagmeyer (Attorney)
Mark Ellena:	SCU-1510, Hagmeyer (Engineer, Ellena Engineering)
Mike Kotlarek:	SCU-1510, Hagmeyer (Surveyor, Benchmark Land Technology)
Penelope Charlson:	SCS-1097, Petitioner

CORRESPONDENCE: None.

MEETING APPROVAL: None

MINUTES

- *Mrs. Haukohl moved, seconded by Mr. Siepmann and carried unanimously for approval of the August 20, 2009, Minutes.*

PUBLIC COMMENT

Chairperson Mitchell asked if anyone from the audience wished to address the Commission? With no public comment, he moved to the next item on the agenda.

• **ZT-1691 (James Tremaine, Etal) (B-3 General Business District to the B-2 Local Business District)**

Ms. Scherer presented the "Staff Report and Recommendation" dated September 17, 2009, and made a part of these Minutes. She pointed out the location of the properties on the aerial photograph in the NW ¼ of Section 15 in the Town of Merton on the north side of C.T.H. "VV", west of C.T.H. "E".

Ms. Scherer explained the request involves six adjoining properties. The petitioner would like to build a second single-family residence on this property which is currently zoned B-3 General Business District and does not allow residential uses as a permitted use unless they are used in conjunction with an otherwise permitted business use. That

provision does not exist under the B-2 Local Business District. A rezoning to the B-2 District would allow the construction of the additional residence without being associated or connected to a business. Mr. Mitchell asked if rezoning to the B-2 District would have an adverse effect on the surrounding area. Ms. Scherer replied that it would not.

After discussion, Mr. Siepmann moved, seconded by Mr. Kolb, and carried unanimously for approval, in accordance with the “Staff Report and Recommendation”. The approval of this request will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **SCU-1512 (Roberta and Mark Werner) Town of Merton, Section 13**

Ms. Scherer presented the “Staff Report and Recommendation” dated September 17, 2009, and made a part of these Minutes. She pointed out the location of the property in an established subdivision, at W284 N7929 Miller Road in the Town of Merton on the aerial photograph and indicated the request is for an unspecified conditional use for the operation of a firearms sales business out of the petitioner’s residence.

Ms. Scherer stated the use of the property for a firearms business does conform to the Town and County Land Use Plans and continued that the Town of Merton has approved the request subject to a number of conditions. The County is recommending approval with an expansion of those conditions. Mr. Peregrine commented that Condition No. 1 and No. 2 were not consistent when identifying the type of delivery services that could be used. He felt that delivery should not be restricted to a postal service and would like to add “or other delivery company” to the end of Condition No. 1. Mrs. Haukohl asked who would check to see the applicant has received all the necessary permits and approvals. Ms. Scherer replied it is the responsibility of the County Staff. Mr. Mitchell noted that Condition No. 15 requires a review of the operation after 180 days by the Plan Commission and questioned which Plan Commission, Town or County? Ms. Scherer replied it would be the Town; the County is called the Park and Planning Commission. It was requested the condition be clarified on the Staff Report and Recommendation.

After discussion, Mr. Peregrine moved, seconded by Mr. Kolb, and carried unanimously for approval as conditioned in accordance with the “Staff Report and Recommendation” with Condition No. 1 amended to read:

- 1. Sales must be predominantly over the Internet and shipped from the premises. Principal shipping shall be through a postal service or other delivery company.***

The approval of this request will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **PO-09-MRTT-1 (Roberta and Mark Werner) Town of Merton, Section 13**

Ms. Scherer presented the “Staff Report and Recommendation” dated September 17, 2009, and made a part of these Minutes. She indicated the request is related to the previous SCU-1512.

After discussion, Mrs. Morris moved, seconded by Mr. Peregrine, and carried unanimously for approval as conditioned in accordance with the “Staff Report and Recommendation” with Condition No. 1 amended to read:

- 1. Sales must be predominantly over the Internet and shipped from the premises. Principal shipping shall be through a postal service or other delivery company.***

The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **PO-09-GNT-2 (Lakeland Investments LLC) Town of Genesee, Section 24**

Ms. Scherer presented the “Staff Report and Recommendation” dated September 17, 2009, and made a part of these Minutes. She pointed out the location of the property, the site of a former quarry, at S43 W28760 Hwy. 59 in the Town of Genesee on the aerial photograph and indicated the request is for Site Plan/Plan of Operation approval for an after-the-fact Commercial Kennel Operation.

Mrs. Haukohl questioned whether Condition No. 21, requiring the removal of the storage building and shed before the issuance of a permit for a new building, and Condition No. 22 requiring the removal of two puppies had been complied with. Ms. Scherer replied the petitioner has been given 30 days to come into compliance. The Commercial Kennel Conditional Use Permit limits the number of adult dogs to twenty and allows two litters of puppies; the two puppies mentioned are not associated with those litters and need to be removed. Mr. Mitchell asked if the petitioner is required to take down the old buildings before the construction of the new building, because sometimes they are allowed to stay. Ms. Scherer replied, yes, it is a condition. Mr. Mitchell asked Mr. Crawford, the petitioner, if this would create a hardship for him. He answered it was his understanding that two buildings were allowed on the property and once the new building is built the other building would have to be taken down. That is not what is written in the Staff Report. Mr. Mitchell clarified that the condition just requires the removal of the old building before the construction of the new. Ms. Scherer added the zoning district only allows two accessory buildings. Mr. Siepmann asked if the building is currently being used for storage because sometimes a building can remain until the new one is built. Then the petitioner has 30 days to remove it. Mr. Crawford replied the building contains a car and some miscellaneous items. It is an older building and has nothing to do with the kennel operation. If he could have some time after the construction of the new building to remove the old, it would be a lot easier. It was requested Peggy Tilley be called to clarify the condition regarding the removal of the buildings. The Commission decided to table the matter until she arrived to answer a few questions and moved to another item on the agenda.

Mr. Siepmann moved, seconded by Mrs. Morris and carried unanimously to table the matter until Mrs. Tilley’s arrival and moved to another agenda item.

• **SCS-1100 and SCU-1100A (David Faretta) Town of Oconomowoc, Section 8**

Ms. Scherer presented the “Staff Memorandum” dated September 17, 2009, and made a part of these Minutes. She pointed out the location of Nausau St. in the Town of Oconomowoc on the aerial photograph and indicated the request is to reduce the established road right-of-way width of Nausau St., which abuts the petitioner’s property on the north, from 66 ft. to 30 ft. The waiver is being requested in conjunction with two proposed Certified Survey Maps, which will reconfigure 10 substandard lots of record, portions of two additional legal substandard lots of record, three vacated road right-of-ways and additional unplatted land. She indicated that Nausau St. is a minor dead-end road that runs westerly from Mill St. for approximately 260 ft. It currently serves only the Faretta residence and one other residence. Both of those properties also have frontage on Mill St. The Town of Oconomowoc Plan Commission has not yet considered this request and a Resolution is not on file, however the County has been advised by Jeff Herrmann, the Town Planner, that he will be recommending in favor of granting the requested waiver. The Staff is recommending approval with the understanding that any conditions placed on the request by the Town of Oconomowoc would become part of the approval.

After discussion, Mrs. Morris moved, seconded by Mr. Peregrine and carried unanimously for approval, contingent on Town approval, in accordance with the “Staff Memorandum”. The approval of this request will allow the petitioner a reasonable use of his land and meets the intent and purposes of all County Ordinances.

• **PO-09-GNT-2 (Lakeland Investments LLC) Town of Genesee, Section 24 - Continued**

Mrs. Tilley arrived and Mr. Siepmann moved, seconded by Mrs. Haukohl and carried unanimously to place the matter back on the table.

Mr. Mitchell inquired of Mrs. Tilley as to the reason for the removal of the buildings before the construction of the new one; did she know what was stored inside? Mr. Crawford interjected “just a car and some other miscellaneous items”. Mrs. Tilley asked if it was just basically storage and not related to the kennel operation to which Mr.

Crawford replied, "yes". Mrs. Tilley explained if it were not removed, he would have three accessory buildings and the intent was to get the property to have two accessory buildings. Per the sidebar she just had with Mr. Crawford he indicated he would be willing to take down at least one of the buildings before the permit was issued. She reviewed the plans and commented there appear to be three accessory buildings on the lot. He replied, "There 'were' three buildings, a metal shed that will be moved from the lot as it is on a trailer and ready to go, a large detached garage and the original shed from the quarry, so now there are technically only two." Therefore, when the new building is constructed, all that will be on the property will be the new building and the large garage. It was agreed that if the one shed is already removed, and Mr. Crawford has indicated he can remove the other shed, leaving the large detached garage, the condition was appropriate and should remain as written.

Mr. Peregrine asked what would happen if Mr. Crawford is housing his limit of dogs and he gets a litter that he cannot sell? Mrs. Tilley replied the conditional use sets the limit of dogs he can have and it is up to him to comply. Mr. Crawford commented he has arrangements in place that if he gets to the allowed limit of dogs, they will be placed with another breeder, friend, etc. Mrs. Haukohl asked Mr. Crawford if he understood the conditions to which he replied he was "fine" with them.

After discussion, Mr. Siepmann moved, seconded by Mr. Peregrine, and carried unanimously for approval, as conditioned in accordance with the "Staff Report and Recommendation". The approval of this request will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **SCU-1510 (Brian Hagmayer) Town of Oconomowoc, Section 26**

Ms. Scherer presented the "Staff Report and Recommendation" dated September 17, 2009, and made a part of these Minutes. She pointed out the location of the property at W353 N6310 Snyder Lane in the Town of Oconomowoc on the aerial photograph and indicated the request is for approval of land altering activities associated with the construction of a single-family residence, attached garage, boathouse and other accessory structures.

Mrs. Haukohl noted the petitioner is proposing to remove several trees. Ms. Scherer presented the Planting Plan for the property and identified the three trees that will need to be relocated or removed. Mr. Siepmann asked if a Chapter 30 Permit had been applied for? Mr. Ellena replied the DNR has informed him that on the 18th of the month, they will be able to issue the permit. Mrs. Haukohl questioned the reason for the swale. Mr. Peregrine responded, "At the public hearing concerns were expressed that water would come across Synder Lane from the property to the west and there was a drainage ditch, by easement, in favor of the Town, which the petitioner got the Town to move closer to the south lot line and the neighbor to the south was concerned that he might get some water from the west, across Synder Lane which ended at the south property line. The Town felt the relocated drainage ditch should be at least 18" deep and have a small berm on the south side to protect the property owner to the south, so any water coming onto the petitioner's property is going to stay on the petitioner's property and be channeled to the lake." Chairperson Mitchell noted any stormwater and drainage concerns are well covered in Conditions No. 8 and 9. Ms. Scherer added that as long as the work is done according to the plan there should not be any problems.

Mr. Miracle stated the Landscaping Plan calls for the transplanting of two trees from the north side of the proposed boathouse to the south side of the proposed boathouse. Staff is recommending that at least one (1) of the trees should be transplanted further north of the boathouse to help maintain the existing vegetative coverage along the length of the shoreline, rather than transplanting both trees on the south side of the boathouse. He explained the two trees that would be transplanted are ones, which have been growing in a certain shaded microclimate. Transplanting them into an open sunny area would be a drastic change for them and asked if Staff would be willing to let them stay on the south side as originally proposed. The Commission stated he needs to comply with Condition No. 4 that requires implementation of the Landscape Plan prepared on August 12, 2009. Ms. Scherer clarified that Staff is only recommending the planting of one of the trees further north, however it is not a condition of approval.

After discussion, Mr. Siepmann moved, seconded by Mrs. Morris, and carried unanimously for approval as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request will allow the petitioner a reasonable use of his land and meets the intent and purposes of all County Ordinances.

- **(Brian Hagmayer) Town of Oconomowoc, Section 26**

Ms. Scherer presented the "Staff Memorandum" dated September 17, 2009, and made a part of these Minutes. She pointed out the location of Snyder Lane in the Town of Oconomowoc on the aerial photograph and indicated the request is to reduce the width of the established road right-of-way of the north/south portion of Snyder Lane from 66 ft. to 60 ft. The petitioner is requesting the reduction so that he can gain additional lot square footage to be used for floor area purposes for the improvements he is proposing on his property. The Town has approved the reduction and has determined that 60 feet is adequate road width to provide for any future improvements and to provide a street safe for vehicular and pedestrian travel.

After discussion, Mrs. Haukohl moved, seconded by Mr. Siepmann, and carried unanimously for approval, in accordance with the "Staff Memorandum". The approval of this request, will allow the petitioner a reasonable use of his land and meets the intent and purposes of all County Ordinances.

- **G09:076 (Eugene Rezach - Owner/Phillip Kokan - Power of Attorney) Town of Genesee, Section 34**

Ms. Scherer presented the "Staff Memorandum" dated September 17, 2009, and made a part of these Minutes. She pointed out the location of the property at W300 S5807 S.T.H. 83 in the Town of Genesee on the aerial photograph. She indicated this matter had been approved by the Commission on July 2, 2009, subject to any conditions the Town may place on the matter. At the time of Park and Planning Commission approval, the Town had not yet heard or approved the request. At their meeting of July 27, 2009 The Town of Genesee Plan Commission approved the request subject to two conditions. The matter is being brought back for reconsideration of the approval granted on July 2, 2009 so the conditions of approval can be modified and expanded for completeness and clarity.

After discussion, Mrs. Haukohl moved, seconded by Mr. Goodchild, and carried unanimously for approval, as conditioned, in accordance with the "Staff Memorandum". The approval of this request will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **SCS-1055 (Jeff Jaworski) Town of Lisbon, Section 11**

Ms. Scherer presented the "Staff Memorandum" dated September 17, 2009, and made a part of these Minutes. She pointed out the location of the property at N87 W23233 North Lisbon Rd. in the Town of Lisbon on the aerial photograph and indicated the request is for approval of the creation of a "flag" lot and two lots without direct access to a public road.

Ms. Scherer explained this matter was tabled at the April 3, 2008 Park and Planning Commission meeting to allow the County and Town of Lisbon Staff to meet and review the proposed driveway locations and to discuss shared driveways vs. individual driveways and so the Town of Lisbon could be informed about Mr. Jaworski's Conservation Reserve Enhancement Program (CREP) agreement.

Mr. Goodchild moved, seconded by Mr. Kolb and carried unanimously to place the request back on the table.

Ms. Scherer pointed out the accesses for the proposed lots on the revised Certified Survey Map (CSM). Mrs. Haukohl asked how many total access points are there. Ms. Scherer replied, "One new one, the existing driveway and an existing access easement along the west property line". Mrs. Haukohl asked if the CREP agreement would need to be modified. Mr. Bernklau, Land Surveyor, responded that on the CSM a large portion of the land is being platted as conservation easement. His understanding is that Mr. Jaworski is planning on terminating the CREP agreement and approximately 90% of the CREP land will go into the conservation easement. Mr. Siepmann questioned who would own the conservation easement. Ms. Scherer replied the easement is usually deeded to the property owner. Mr. Bernklau added they are following the standard text for wetland/primary environmental corridor and that Alan Barrows of the Land Resources Division may have additional language he wants added to the CSM so it corresponds with what was in the CREP program.

After discussion, Mr. Kolb moved, seconded by Mr. Peregrine, and carried unanimously for approval as conditioned, in accordance with the “Staff Memorandum”. The approval of this request, will allow the petitioner a reasonable use of his land and meets the intent and purposes of all County Ordinances.

• **SCS-1097 (Penelope Charlson) Town of Summit, Section 28**

Ms. Scherer presented the “Staff Memorandum” dated September 17, 2009, and made a part of these Minutes. She pointed out the location of Douglas Dr. in the Town of Summit on the aerial photograph and indicated the request is to reduce the established road right-of-way width of a portion of Douglas Dr. in the area abutting a proposed Certified Survey Map from 66 ft. to 20 ft. in one area and to 30 ft. in a second area

Ms. Scherer explained the proposed CSM would combine three existing legal non-conforming lots of record into one lot. This is being done to satisfy a condition of road, wetland and floodplain setback variances that were granted by the Board of Adjustment on April 8, 2009 to permit the reconstruction of Ms. Charlson’s residence, which was extensively damaged by flooding in 2008. Mr. Peregrine commented the garage appears to be in the right-of-way. Ms. Charlson replied it is, however it is going to be removed. The property has an unimproved road along the west and north lot lines (the triangle), however, it is impossible to tell it is a road as it is all marshland. Mr. Siepmann added the petitioner wants to do reconstruction of the house and this a two step process in the Town. First, the Town wants to get the right of way reduced so the petitioner can start on the house and then the Town needs to resolve the right of way issue along the north property line; ultimately, it will be a road vacation, as it cannot go any further north. Ms. Charlson commented she would pursue the road vacation if she can get a permit to rebuild and right now, she cannot get a permit because it is being held up by the emergency vehicle access issue. The Town is asking for the establishment of a turn-around access easement over the existing driveway location to allow the Town’s snowplows and emergency vehicles legal access for turning around within the driveway limits. Currently, they just use the driveway.

After discussion, Mrs. Morris moved, seconded by Mrs. Haukohl, and carried unanimously for approval as conditioned, in accordance with the “Staff Memorandum”. The approval of this request will allow the petitioner a reasonable use of her land and meets the intent and purposes of all County Ordinances.

ADJOURNMENT

With no further business to come before the Commission Mr. Goodchild moved, seconded by Mrs. Haukohl and carried unanimously to adjourn at 4:12 p.m.

Respectfully submitted,

Bonnie Morris
Secretary

BM:es